

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SHAUN CHAPPELL,

Plaintiff,

v.

LIBERTY MUTUAL PERSONAL
INSURANCE COMPANY,

Defendant.

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CIVIL ACTION FILE
No.:

**DEFENDANT LIBERTY MUTUAL PERSONAL INSURANCE
COMPANY'S NOTICE OF REMOVAL**

COMES NOW Defendant Liberty Mutual Personal Insurance Company, and timely files its Notice of Removal pursuant to Fed. R. Civ. P. 81(c) and 28 U.S.C. §§ 1441 and 1446(a) and (b).

1.

The Plaintiff has filed a civil action against Liberty Mutual Personal Insurance Company in the State Court of Fulton County, Georgia, Civil Action File No. 22EV006603 (the "Underlying Action"), which is located within the Atlanta Division of the United States District Court for the Northern District of Georgia. See, 28 U.S.C. § 90(a)(2).

2.

The Plaintiff filed his Complaint for Damages Pursuant to OCGA 40-6-273, OCGA 33-6-30, OCGA 33-6-33, OCGA 33-6-34, OCGA 51-12-5.1(B) (“Complaint”) in the Underlying Action on or about November 30, 2022. (Exhibit “A”, Complaint, See Fulton County State Court Docket.) The Summons and Complaint were served on Defendant Liberty Mutual Personal Insurance Company’s registered agent for service of process on or about December 6, 2022.

3.

In his Complaint, the Plaintiff states that he is a resident of the State of Georgia. (Complaint, p. 1, ll. 18.) Plaintiff also lists his address in the Complaint as 6087 Camden Forrest Drive, Riverdale, Georgia 30296. (See Complaint, Exhibit 11.) The Plaintiff is a citizen of the State of Georgia.

4.

Liberty Mutual Personal Insurance Company is an insurance company organized under the laws of the State of New Hampshire, and for federal court jurisdiction/diversity of citizenship disclosure purposes, its principal place of business is located at 175 Berkeley Street, Boston, Massachusetts. There is no evidence that the Plaintiff is a citizen of either Massachusetts or New Hampshire.

5.

Therefore, at the time of removal, the Complaint asserts claims by a citizen of the State of Georgia against only a non-citizen defendant, Liberty Mutual Personal Insurance Company, and there is complete diversity of citizenship.

6.

In his Complaint, Plaintiff alleges an amount in controversy which exceeds \$75,000.00, exclusive of interest and costs. (See Complaint, at p. 16, ln. 4-6, where Plaintiff seeks damages in the amounts of \$287,655.58 and \$250,000.)

7.

This is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 based on complete diversity of citizenship among the parties, where the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and which may be removed to this Court pursuant to 28 U.S.C. § 1441.

8.

This Notice of Removal is filed within thirty (30) days of the date of service of the Complaint on the Defendant.

9.

Defendant Liberty Mutual Personal Insurance Company attaches to this

original pleading only, as Exhibit “A,” the entire record in the Underlying Action in the State Court of Fulton County, State of Georgia.

10.

The Undersigned has read this Notice of Removal, and to the best of the Undersigned’s knowledge, information and belief, formed after reasonable inquiry, it is well-grounded in fact and is warranted by existing law, and it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, Defendant hereby removes this action to the United States District Court for the Northern District of Georgia, Atlanta Division.

Respectfully submitted, this 3rd day of January 2023.

ISENBERG & HEWITT, P.C.

/s/ Hilary W. Hunter

Hilary W. Hunter

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Attorney for Defendant

LOCAL RULE 7.1 CERTIFICATE

The undersigned counsel hereby certifies that this pleading was prepared with one of the font and point selections approved by the Court in L.R. 5.1.C. Specifically, Times New Roman was used in 14 point.

/s/ Hilary W. Hunter

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Attorney for Defendant

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LIBERTY MUTUAL PERSONAL)	
INSURANCE COMPANY,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2023, I electronically filed the foregoing **DEFENDANT LIBERTY MUTUAL PERSONAL INSURANCE COMPANY'S NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following:

Shaun Chappell
6087 Camden Forest Drive
Riverdale, GA 30296

I further certify that I have this day served a copy of the within and foregoing pleading to all parties to this matter by depositing a true copy of same in the U.S. Mail, postage prepaid, addressed as listed above.

ISENBERG & HEWITT, P.C.

/s/ Hilary W. Hunter

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